

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert T. Belly

Serial No.: 10/019,514

Confirmation No.: 1153

Patent No.: 7,262,006

Issued: August 28, 2007

For : RAPID AND EFFICIENT CAPTURE OF DNA FROM SAMPLE WITHOUT USING CELL
LYSING REAGENTCommissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that this correspondence is being transmitted via
The Office electronic filing system in accordance with 37 CFR 1.6(a)(4)

September 22, 2009

(Date of Deposit)

Catherine Kurtz Gowen

(Name of applicant, assignee, or Registered Representative)

/Catherine Kurtz Gowen/

(Signature)

September 22, 2009

(Date of Signature)

CERTIFICATE OF CORRECTION

It is respectfully requested that a Certificate of Correction be issued to correct the error to claim 1 of the captioned U.S. Patent as set forth in the attached form and in compliance with Rule 323.

Patentees submit that an error appears in claim 1 at column 27, line 40 wherein it is stated "with all nucleic acids present in said lysate". It is respectfully submitted that there is no antecedent basis for the recitation of the term "lysate" in claim 1. Applicants respectfully submit that the term "lysate" appeared in original claim 1 in this location, also in error. Applicants further submit that the correct term should be "sample", which term finds antecedent basis in claim 1 at column 27 line 22. The term "sample" is used later in claim 1 at column 27 lines 42, and both usages makes sensible the correction Patentees seek herein.

Specific support for the correction from "lysate" to "sample" appears in the specification of issued U.S. Patent 7,262,006 at column 7, lines 17-18, stating "with all nucleic acids present in the sample".

Further support for the recitation of “sample” is found in the ‘006 patent at for example:

column 1, line 7 (“method for preparing a sample”);
column 3, lines 21-22 and 41 (“with all nucleic acids present in the sample”);
column 5, line 39 (“with all nucleic acids present in the sample”);
column 7, lines 17-18 as stated above (“with all nucleic acids present in the sample”); and
column 14, lines 12 (“measuring DNA concentration present in a sample”);

Patentees teach sample can be prepared without the use of a lysing agent and thus no lysate is formed. See column 2 lines 46-55 (“The problems associated with the use of lysing agents or lysing steps in prior art methods have been overcome with the method of the present invention.”)

As such disclosure in the specification makes clear, patentees employ a “sample” and not a “lysate”. Thus Patentees respectfully submit that the Certificate of Correction is proper.

The Commissioner is authorized to charge or credit Deposit Account No. 10-0750/CDS0219USNP/CKG in the name of Johnson & Johnson as required to correct the error.

Respectfully submitted,

/Catherine Kurtz Gowen/

Catherine Kurtz Gowen
Reg. No. 32,148
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2681
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